

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, August 7, 2012, 7:00 PM
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding
Alderman John Clark
Alderman Valerie Joh
Alderman Michael McIntire

Vice Mayor Tom C. Parham
Alderman Tom Segelhorst
Alderman Jantry Shupe

City Administration

John G. Campbell, City Manager
J. Michael Billingsley, City Attorney
James H. Demming, City Recorder

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor Dennis R. Phillips.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Alderman John Clark.
- II.B. **INVOCATION:** By Ed Clevinger, Pastor – Grace Covenant Church.
- III. **ROLL CALL:** By City Recorder Jim Demming. All Present.
- IV. **RECOGNITIONS AND PRESENTATIONS.** None.
- V. **APPROVAL OF MINUTES.**

Motion/Second: Parham/Shupe, to approve minutes for the following meetings:

- A. July 23, 2012 Regular Work Session
- B. July 24, 2012 Regular Business Meeting

Approved: All present voting “aye.”

VI. **COMMUNITY INTEREST ITEMS.**

AA. **PUBLIC HEARINGS.**

1. **Public Hearing and Consideration of Ordinances to Annex/Amend Zoning of the Colonial Heights Area 7 Part A Annexation and Consideration of a Resolution Adopting the Plan of Services (AF: 237-2012).** City Planner Ken Weems gave a presentation on this and the following item before answering questions from the Board. Vice-Mayor Parham pointed out that the county school being annexed would still be operated by the county, just like Sullivan North High School. Mayor Phillips clarified that staff was recommending eight years for sewer installation while the Planning Commission recommended five years. Alderman McIntire stated we needed to treat them all the same.

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, August 7, 2012**

PUBLIC COMMENT ON ITEM VI.AA.1. Mr. Fred Meyer, 406 Castle Oak Drive spoke in favor of this annexation.

Mr. Mike Lawson, 4632 Fairlane Drive, spoke in opposition of this annexation. He also voiced a complaint regarding parked cars at the Comfort Inn.

Mr. David Lawhead, 4502 Belvedere Lane, stated he was not opposed to the annexation but was concerned the city could meet their needs for services. He also questioned why the sewer installation might be prolonged from five years to eight years.

Mayor Phillips responded that when we annex, we are making a commitment, even if we need to add police. After further discussion, the Board decided to continue with the established five year plan of service for sewer installation rather than the eight years recommended by staff.

Motion/Second: McIntire/Joh, to pass:

AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 14TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE COLONIAL HEIGHTS AREA 7 PART A ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: McIntire/Parham, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG RIDGEMONT DRIVE, WILMONT DRIVE, FAIRLAWN DRIVE, GREEN HILLS DRIVE, BRIGHTWOOD LANE, CASTLE OAKS DRIVE, SUMMIT OAKS CIRCLE, FAIRLANE DRIVE, TALL OAK COURT, WOODMERE DRIVE, ALTAMONT DRIVE, HIGHLEA DRIVE, AND LEBANON ROAD TO R-1B, RESIDENTIAL DISTRICT AND B-4P, PLANNED BUSINESS DISTRICT IN THE 14TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: McIntire/Parham, to pass:

Resolution No. 2013-024, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE COLONIAL HEIGHTS AREA 7 PART A ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

Passed: All present voting "aye."

2. Public Hearing and Consideration of Ordinances to Annex/Amend Zoning of the Colonial Heights Area 7 Part B and Consideration of a Resolution Adopting the Plan of Services (AF: 238-2012). See Item VI.AA.1.

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, August 7, 2012**

PUBLIC COMMENT ON ITEM VI.AA.2. Mr. Verlin Droke, 260 Droke Farm Private Drive, wanted to confirm that he would be able to keep his greenbelt designation for tax purposes if his property was annexed.

Mr. James Brotherton, Sullivan County Commissioner, spoke in opposition of this annexation, particularly the school, noting he had spoken with several residents in the area who were against it.

Motion/Second: Segelhorst/Joh, to pass:

AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 14TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE COLONIAL HEIGHTS AREA 7 PART B ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: McIntire/Joh, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG HARDING ROAD, GARMON DRIVE, CLAYMORE DRIVE, RED OAK LANE, RED OAK PLANTATION DRIVE, AND COLONIAL COURT TO R-1B, RESIDENTIAL DISTRICT, IN THE 14TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: McIntire/Shupe, to pass:

Resolution No. 2013-025, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE COLONIAL HEIGHTS AREA 7 PART B ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

Passed: All present voting "aye."

A. PUBLIC COMMENT. Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items. There being no one coming forward to speak, the Mayor closed the public comment segment.

B. BUSINESS MATTERS REQUIRING FIRST READING.

1. Consideration of a Resolution to Authorize the Mayor to Sign All Documents Necessary to Enter into a Materials Agreement with Danny Karst Related to the Edinburgh Phase 2 Sections 2E and 2F Development and an Ordinance to Appropriate the Funds (AF: 243-2012).

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, August 7, 2012**

Motion/Second: Segelhorst/Clark, to pass:

Resolution No. 2013-026, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MATERIALS AGREEMENT WITH DANNY KARST FOR THE PROVISION OF CERTAIN WATER AND SEWER MATERIALS BY THE CITY FOR EDINBURGH PHASE 2, SECTIONS 2E AND 2F

Passed: All present voting "aye."

Motion/Second: Joh/Shupe, to pass:

AN ORDINANCE TO AMEND THE WATER AND SEWER PROJECT FUNDS BY TRANSFERRING FUNDS TO THE EDINBURGH PHASE 2 SECTION 2E and 2F MATERIALS AGREEMENT PROJECTS (WA1377 AND SW1377); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

2. Consideration of an Ordinance to Amend the Various Funds to Adjust Budgets for Year End (AF: 242-2012).

Motion/Second: McIntire/Parham, to pass:

AN ORDINANCE TO AMEND THE WATER AND SEWER PROJECT FUNDS BY TRANSFERRING FUNDS TO THE EDINBURGH PHASE 2 SECTION 2E and 2F MATERIALS AGREEMENT PROJECTS (WA1377 AND SW1377); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed: All present voting "aye."

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.

1. Consideration of Postponement of Second Reading of the Annexation and Zoning Ordinance for the Childress Ferry Annexation (AF: 241-2012). City Manager Campbell stated the property owner has withdrawn their request for annexation at this time.

Motion/Second: McIntire/Parham, to pass:

A MOTION TO POSTPONE CONSIDERATION OF SECOND READING OF THE ANNEXATION AND ZONING ORDINANCE FOR THE CHILDRESS FERRY ANNEXATION

Passed on first reading: All present voting "aye."

D. OTHER BUSINESS.

1. Consideration of a Resolution Authorizing the Issuance of a Purchase Order to Personal Computer Systems, Inc. for the Purchase of Equipment to Provide a Wireless Network at Dobyns-Bennett High School and John Sevier and Ross N. Robinson Middle Schools (AF: 239-2012). Mayor Phillips pointed out this item was thoroughly discussed at the work session yesterday. Vice-Mayor Parham commented that this purchase had been well-researched.

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, August 7, 2012**

Motion/Second: Joh/Segelhorst, to pass:

Resolution No. 2013-027, A RESOLUTION APPROVING THE PURCHASE OF EQUIPMENT AND SOFTWARE FROM PERSONAL COMPUTER SYSTEMS, INC. FOR A WIRELESS NETWORK AT CERTAIN SCHOOLS AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

2. Consideration of a Resolution Authorizing the Mayor to Execute an Amendment to the Contract Between the City of Kingsport and the Tennessee Department of Environment and Conservation (TCEC) (AF: 244-2012).

Motion/Second: Parham/Segelhorst, to pass:

Resolution No. 2013-028, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE EXISTING CONTRACT WITH THE STATE OF TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION REVISING THE AMOUNT OF FINANCIAL ASSURANCE REQUIRED FOR THE CITY OF KINGSFORT DEMOLITION LANDFILL LOCATED ON BROOKSIDE DRIVE

Passed: All present voting "aye."

3. Consideration of a Resolution Authorizing the Mayor to Sign an Agreement Allowing Participating Institutions to Offer Higher Education Programs/Courses in the Kingsport Center for Higher Education and to Give Approval for Northeast State Community College to Enter into Sub-Lease Agreements with Participating Institutions for Office Space, Common Areas and Classroom Space (AF: 246-2012).

Motion/Second: Shupe/Segelhorst, to pass:

Resolution No. 2013-029, A RESOLUTION APPROVING A REQUEST BY NORTHEAST STATE COMMUNITY COLLEGE TO SUBLEASE PART OF THE KINGSFORT CENTER FOR HIGHER EDUCATION TO THE UNIVERSITY OF TENNESSEE, KING COLLEGE AND LINCOLN MEMORIAL UNIVERSITY; APPROVING AN AGREEMENT WITH COLLEGES AND UNIVERSITIES PROVIDING CLASSES AT THE KINGSFORT CENTER FOR HIGHER EDUCATION; AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

4. Consideration of a Resolution Accepting the Proposal of ICMA-RC for the Defined Contribution Retirement Plan and Authorizing the Mayor to Execute the Necessary Documents (AF: 240-2012). Alderman Segelhorst stated this was a great deal for the city as well as for the employees. Alderman McIntire added it was an excellent program with a reasonable fee and assistance available. Answering a question from Alderman Joh, City Manager Campbell stated ICMA-RC stands for International City Management Association – Retirement Corporation.

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, August 7, 2012**

Motion/Second: McIntire/Segelhorst, to pass:

Resolution No. 2013-030, A RESOLUTION ACCEPTING THE PROPOSAL OF ICMA-RC FOR THE 401(A) DEFINED CONTRIBUTION RETIREMENT PLAN AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO IMPLEMENT THE RETIREMENT PLAN

Passed: All present voting "aye."

5. Consideration of a Resolution Authorizing the Mayor to Enter into a Lease Agreement with Tennessee Municipalities for Use of City of Kingsport Owned Equipment (AF: 247-2012). City Manager Campbell stated we were able to help cities who have damaged equipment by supplying our equipment to them, pointing out this was for equipment only and not operators. Mayor Phillips noted they would do the same for us.

Motion/Second: Shupe/Parham, to pass:

Resolution No. 2013-031, A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO LEASE AGREEMENTS WITH TENNESSEE MUNICIPALITIES FOR USE OF CITY OF KINGSFORT OWNED EQUIPMENT AND AUTHORIZING THE MAYOR TO EXECUTE SUCH LEASE AGREEMENTS AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF SUCH LEASE AGREEMENTS

Passed: All present voting "aye."

E. APPOINTMENTS/REAPPOINTMENTS.

1. Consideration of Reappointments to the Employee Dependent Scholarship Program (AF: 245-2012).

Motion/Second: Joh/McIntire, to approve the following:

REAPPOINTMENTS OF MS. LINDA CALVERT, MR. MARVIN CAMERON AND MR. DANNY HOWE TO SERVE THREE-YEAR TERMS ON THE **EMPLOYEE DEPENDENT SCHOLARSHIP PROGRAM**, EFFECTIVE IMMEDIATELY AND EXPIRING AUGUST 1, 2015.

Passed: All present voting "aye."

VII. CONSENT AGENDA.

Consent Agenda items are considered under one motion.

Motion/Second: Shupe/Joh, to adopt:

1. Consideration of a Budget Ordinance to Appropriate Grant Funds Approved by the Department of Justice, Justice Assistance Grant Program (JAG) (AF: 226-2012).

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, August 7, 2012**

Adopt:

Ordinance No. 6233, AN ORDINANCE TO AMEND THE JUSTICE ASSISTANCE GRANT FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM THE DEPARTMENT OF JUSTICE FOR THE YEAR ENDING JUNE 30, 2013; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Joh, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

2. Consideration of an Ordinance to Appropriate Visitor Enhancement Program Funds to the Meadowview Winery Project (AF: 228-2012).

Adopt:

Ordinance No. 6234, AN ORDINANCE TO AMEND THE MEADOWVIEW PROJECT FUND BUDGET BY TRANSFERRING ADDITIONAL FUNDS FROM THE VISITORS ENHANCEMENT FUND OPERATING BUDGET TO FUND THE MEADOWVIEW WINERY PROJECT FOR THE YEAR ENDING JUNE 30, 2012; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Joh, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

3. Consideration of an Ordinance to Appropriate Cultural Arts Funding Received from the Tennessee Arts Commission (AF: 230-2012).

Adopt:

Ordinance No. 6235, AN ORDINANCE TO AMEND THE GENERAL PROJECT-SPECIAL REVENUE FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM THE TENNESSEE ARTS COMMISSION; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Joh, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

VIII. COMMUNICATIONS.

A. CITY MANAGER. None.

B. MAYOR AND BOARD MEMBERS. Alderman McIntire and Alderman Segelhorst commented on the recent flood damage in Johnson City, stating we needed to keep them in our prayers.

Alderman Joh pointed out we should be glad for the water, noting the thousands of acres of burned land out west because of the drought.

Alderman Clark commented favorably on the defined contribution plan and encouraged young people to invest. He also commented on the patriotism being promoted by the Olympics during their second week.

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, August 7, 2012**

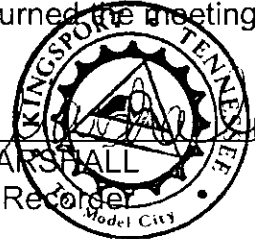
- C. VISITORS.** Mr. Bob Allen asked about the congressional mandate on stormwater management. Public Works Director Ryan McReynolds explained the law and how cities are obligated to maintain the waterways.

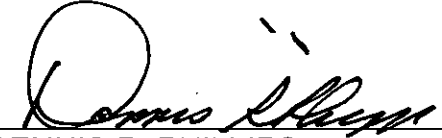
Mr. James Brotherton commented further on the annexations.

Ms. Barbara Brown commented on the Carousel relocation and the Legion Pool.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 8:40 p.m.


ANGELA MARSHALL
Deputy City Recorder




DENNIS R. PHILLIPS
Mayor